

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD **CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE		
Case 03-CA-312382	Date Filed 2/17/23	

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or isoccurring.	
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	

1. EMPL	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Tel. No.
Goddard College Corporation		(800) 468-4888
		c. Cell No.
		f. Fax. No.
		_
d. Address (Street, city, state, and ZIP code) 123 Pitkin Road	e. Employer Representative	g. e-mail
123 FIRMI ROAU	(b) (6), (b) (7)(C)	g. o-maii
		(b) (6), (b) (7)(C) @goddard.edu
VT Plainfield 05667		h. Number of workers employed
		30
i. Type of Establishment (factory, mine, wholesaler, etc.)	i. Identify principal product or service	
Schools	Education	
	ging in unfair labor practices within the meaning of section	9(a) subsections (1) and
(list subsections) 3,1,5		elations Act, and these unfair labor
	aning of the Act, or these unfair labor practices are practic	-
meaning of the Act and the Postal Reorganization Act.	aning of the Act, of these diffall labor practices are practic	es anecung commerce within the
		4:
2. Basis of the Charge (set forth a clear and concise state	ement of the facts constituting the alleged unfair labor prac	ctices)
See additional page		
party filing charge (if labor organization of	ive full name_including lo)	
(b) (6), (b) (7)(C) party filing charge (if labor organization, g	(b) (6), (b) (7)(C)	
UAW Local 2322 4a. Address (Street and number, city, state, and ZIP cod.	٩	4b. Tel. No.
4a. Addiess (Street and Humber, Sity, State, and Zir Cod	o)	(b) (6), (b) (7)(C)
4 Open Square Way Suite 406		4c. Cell No.
MA Holyoke 01040		
		4d. Fax No.
		4e. e-mail
		^{©) (©), ©} @uaw2322.org
5. Full name of national or international labor organizatio	n of which it is an affiliate or constituent unit to be filled in u	
UAW	itot willettiets att attillate of constituent utilt (to be tilleu ilt v	when charge is filed by a labor organization)
	Troi which it is all alliliate of constituent unit (to be filled iff v	when charge is filed by a labor organization)
	ARATION	Tel. No.
I declare that I have read the abo	ARATION ove charge and that the statements	
I declare that I have read the abo	ARATION ove charge and that the statements over the statement of the sta	Tel. No.
I declare that I have read the abo	ARATION ove charge and that the statements	Tel. No. (b) (6), (b) (7)(C)
I declare that I have read the abo are true to the best of n	ARATION ove charge and that the statements over the statements (b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) are true to the best of n (signature of representative or person making charge)	ARATION ove charge and that the statements over the statement of the sta	Tel. No. (b) (6), (b) (7)(C) Office, if any, Cell No.
(b) (6), (b) (7)(C) (signature of representative or person making charge) 4 Open Square Way Suite 406	ARATION ove charge and that the statements ny knowledge and belief. (b) (6), (b) (7)(C) (Print/type name and title or office, if any)	Tel. No. (b) (6), (b) (7)(C) Office, if any, Cell No.
(b) (6), (b) (7)(C) are true to the best of n (signature of representative or person making charge)	ARATION ove charge and that the statements over the statements (b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C) Office, if any, Cell No. Fax No.

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
whole bargaining unit	threatened denial of overtime	02/12/2023

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by engaging in surveillance or creating impression of surveillance of employees' union activities.

Name of Employer's Agent/Representative who made the statement	Approximate date
(b) (6), (b) (7)(C)	02/12/2023

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their union activities.

Name of Employer's Agent/Representative who made the statement	Approximate date
(b) (6), (b) (7)(C)	02/12/2023

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment

List Changes	Approximate date of change
policy about attending union meetings	02/07/2023



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 3 130 S Elmwood Ave Ste 630 Buffalo, NY 14202-2465 Agency Website: www.nlrb.gov Telephone: (716)551-4931 Fax: (716)551-4972 Download NLRB Mobile App

February 17, 2023

(b) (6), (b) (7)(C)

UAW Local 2322 4 Open Square Way Suite 406 Holyoke, MA 01040

Re: Goddard College Corporation

Case 03-CA-312382

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on February 17, 2023 has been docketed as case number 03-CA-312382. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner DONALD STARR whose telephone number is (518)419-6257. The mailing address is 11A Clinton Ave STE 342, ALBANY, NY 12207-2366. If this Board agent is not available, you may contact Supervisory Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Jessica Cacaccio

JESSICA CACACCIO Acting Regional Director

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)



Important Information About NLRB Investigations for Immigrant Workers



The National Labor Relations Act (NLRA) protects most private-sector employees, regardless of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- > Take collective action with coworkers to try to improve wages and other working conditions.
- Choose not to take part in any of these actions.

Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
 - We will **NOT** ask you about your immigration status.
 - You **DO NOT** need to share any information with us about your immigration status.
 - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have NO involvement with the enforcement of immigration laws.
- We will NOT share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will NOT disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:
 - Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.

- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

For more information on the NLRB, please visit our website, www.nlrb.gov.



Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- Optar por no participar en ninguna de estas acciones.

A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
 - Nosotros NO le preguntaremos sobre su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que NO divulgaremos su
 declaración jurada a un empleador, a menos que usted testifique en un juicio, o que
 busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
 - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
 - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

Para más información acerca de la NLRB, por favor visite nuestra página web, www.nlrb.gov.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

GODDARD COLLEGE CORPORATION	
Charged Party	
and	Case 03-CA-312382
UAW LOCAL 2322	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGAI	INST EMPLOYER
t, the undersigned employee of the National Labor R 2/17/23, I served the above-entitled document(s) by persons, addressed to them at the following addresses	oost-paid regular mail upon the following
2/17/23, I served the above-entitled document(s) by p	oost-paid regular mail upon the following
2/17/23, I served the above-entitled document(s) by poersons, addressed to them at the following addressed (b) (6), (b) (7)(C) Goddard College Corporation 123 Pitkin Road	oost-paid regular mail upon the following
2/17/23, I served the above-entitled document(s) by poersons, addressed to them at the following addressed (b) (6), (b) (7)(C) Goddard College Corporation 123 Pitkin Road Plainfield, VT 05667 (b) (6), (b) (7)(C) UAW Local 2322 4 Open Square Way Suite 406	oost-paid regular mail upon the following

/s/ Vallana M. Harris

Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 3 Agency Website: www.nlrb.gov 130 S Elmwood Ave Ste 630 Telephone: (716)551-4931 Buffalo, NY 14202-2465 Fax: (716)551-4972 Download NLRB Mobile App

February 17, 2023

(b) (6), (b) (7)(C)

Goddard College Corporation 123 Pitkin Road Plainfield, VT 05667

Re: Goddard College Corporation

Case 03-CA-312382

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner DONALD STARR whose telephone number is (518)419-6257. The mailing address is 11A Clinton Ave STE 342, ALBANY, NY 12207-2366. If this Board agent is not available, you may contact Supervisory Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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* * *

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Jessica Cacaccio

JESSICA CACACCIO Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FOF	M NLRB-5081 (3-11)	NATIONAL I	LABOR RELATIONS BOARD				
		ONNAIRE O	ON COMMERCE INFORMATION				
Ple	ase read carefully, answer all applicable items, and re	turn to the NLRB (Office. If additional space is required, please add a pa	age and i	dentify item number.		
	SE NAME				NUMBER		
				03-CA-	-312382		
1.	EXACT LEGAL TITLE OF ENTITY (As filed w	rith State and/or	stated in legal documents forming entity)				
2.	TYPE OF ENTITY						
[]	CORPORATION [] LLC [] LLP [] PARTNERSHI	IP [] SOLE PROPRIETORSHIP [] OTH	ER (Spe	cify)		
	IF A CORPORATION or LLC						
	STATE OF INCORPORATION	B. NAME, AI	DDRESS, AND RELATIONSHIP (e.g. parent, subs	idiary) O	F ALL RELATED E	NTITIES	
•	OR FORMATION						
4.	IF AN LLC OR ANY TYPE OF PARTNERSHI	L P, FULL NAME	AND ADDRESS OF ALL MEMBERS OR PAR	RTNERS			
5.	IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRESS	S OF PROPRIETOR				
	,						
6	BRIEFLY DESCRIBE THE NATURE OF YOU	R OPERATION	NS (Products handled or manufactured or nature of	f sarvicas	nerformed)		
0.	BRIEFET DESCRIBE THE WATERE OF TOO	ROILRAIIO	15 (1 roducts handled or manajuctured, or hadire of	Ber vices	perjormeu).		
7 A	. PRINCIPAL LOCATION:		7B. BRANCH LOCATIONS:				
Q	NUMBER OF PEOPLE PRESENTLY EMPLO	VED					
0.	A. TOTAL:	T	DDRESS INVOLVED IN THIS MATTER:				
0				AT SZE	AD (EVD ATEC		١
9.	DURING THE MOST RECENT (Check the appr	ropriate box): [CALENDAR [] 12 MONTHS or [] FISC	AL IL	AR (FY DATES YES	NO	<u></u> /
Α.	Did you provide services valued in excess of \$50,0	000 directly to cus	stomers outside your State? If no, indicate actual va	ılue.	125	110	
	\$						
В.	If you answered no to 9A, did you provide service			sed			
	goods valued in excess of \$50,000 from directly ou provided. \$	tside your State?	If no, indicate the value of any such services you				
C.	If you answered no to 9A and 9B, did you provide	services valued i	n excess of \$50,000 to public utilities, transit system	ns.			
	newspapers, health care institutions, broadcasting s						
	If less than \$50,000, indicate amount. \$		<u> </u>				
D.	Did you sell goods valued in excess of \$50,000 dire	ectly to customers	s located outside your State? If less than \$50,000, in	dicate			
E	amount. \$	d in excess of \$50	0.000 directly to customers located inside your State	who			
	purchased other goods valued in excess of \$50,000						
	\$						
F.	Did you purchase and receive goods valued in excluding to amount.	cess of \$50,000 fr	rom directly outside your State? If less than \$50,00	0,			
G	indicate amount. \$						
٥.	Did you purchase and receive goods valued in exc	ess of \$50 000 fr	rom enterprises who received the goods directly from	n		1	
	Did you purchase and receive goods valued in exc points outside your State? If less than \$50,000, in			n			
H.		ndicate amount. \$	<u> </u>	n			

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

Did you begin operations within the last 12 months? If yes, specify date:

[] YES [] NO (If yes, name and address of association or group).

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD **CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
03-CA-312521	2/21/2023	

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in	OYER AGAINST WHOM CHARGE IS BROUGHT	ring.	
a. Name of Employer	OTERAGAINST WHOM CHARGE IS BROOGHT	b. Tel. No.	
Dairy Farmers of America		(b) (6), (b) (7)(C)	
		c. Cell No.	
		c. Gen No.	
		f. Fax. No.	
	Г		
d. Address (Street, city, state, and ZIP code) 138 Federal St	e. Employer Representative	g. e-mail	
130 redetat St	(b) (6), (b) (7)(C)	g. o maii	
		(b) (6). (b) @dfamilk.com	
SC St. A bans 05478		h. Number of workers employed	
		10	
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service		
Food Processing	Mi k Processing		
The above-named employer has engaged in and is engaged	ging in unfair labor practices within the meaning of sectic	on 8(a), subsections (1) and	
(list subsections) 5	of the National Labor	r Relations Act, and these unfair labor	
practices are practices affecting commerce within the me	aning of the Act, or these unfair labor practices are prac	tices affecting commerce within the	
meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise state	ement of the facts constituting the alleged unfair labor pr	ractices)	
See additional page			
Coo additional page			
3 Full name of party filing charge (if labor organization of	give full name including local name and number)		
3. Full name of party filing charge (if labor organization, g Curtis B Clough	President		
Teamsters Local 597 4a. Address (Street and number, city, state, and ZIP code	٩١	4b. Tel. No.	
44. Address (Street and Humber, City, State, and Zir Code	<i>=)</i>	(802) 476-4159	
		4c. Cell No.	
PO Box 277		(802) 522-4060	
VT South Barre 05670		4d. Fax No.	
		(802) 476-4150	
		4e. e-mail	
		Curtis@Teamsterslocal597.net	
5. Full name of national or international labor organizatio	n of which it is an affiliate or constituent unit (to be filled in	when charge is filed by a labor organization)	
	The William R is all all material of constituent affiliations in the	When charge is med by a labor organization)	
International Brotherhood of Teamsters			
***==*=	ARATION	Tel. No.	
	ove charge and that the statements ny knowledge and belief.	(802) 476-4159	
Are tide to the best of the	ly knowledge and belief.	Office, if any, Cell No.	
and love fr	Curtis B Clough President	(802) 522-4060	
(signature of representative or person making charge)	(Print/type name and title or office, if any)	Fax No.	
PO Box 277	· · · · · · · · · · · · · · · · · · ·	(802) 476-4150	
	D	e-mail	
Address South Barre VT 05670	Date 02/21/2023 12:02:01 PM	Curtis@Teamsterslocal597.net	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Unilateral Change to Overtime Notification	12/19/2022



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 3 130 S Elmwood Ave Ste 630 Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov Telephone: (716)551-4931 Fax: (716)551-4972 Download NLRB Mobile App

(b) (6), (b) (7)(C)

Dairy Farmers of America 138 Federal St St. Albans, SC 05478

> Re: Dairy Farmers of America Case 03-CA-312521

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner DONALD STARR whose telephone number is (518)419-6257. The mailing address is 11A Clinton Ave STE 342, ALBANY, NY 12207-2366. If this Board agent is not available, you may contact Supervisory Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Jessica Cacaccio

JESSICA CACACCIO Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire
- 3. Notice of Bargaining Obligation
- 4. Notice of Federal Mediation and Conciliation Services for Initial Contract Bargaining

FORM NL		NATIONAL LA	BOR RELA	TIONS BOARD				
(3-11)	QUESTIONNAIRE ON COMMERCE INFORMATION							
Please r	Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.							
CASE N		otalii to tilo NENE on	noo. Il dadillo	nai opaso io roquirou, pi			NUMBER	
						03-CA-	312521	
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE NAME AND TITLE (Type or Print) SIGNATURE

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

DAIRY FARMERS OF AMERICA Charged Party and TEAMSTERS LOCAL 597 Charging Party	Case 03-CA-312521			
AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER I, the undersigned employee of the National Labor Relations Board, state under oath that on served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses: (b) (6), (b) (7)(C) Dairy Farmers of America 138 Federal St St. Albans, SC 05478				
Date 2/21/2023	Rebecca Campbell, Designated Agent of NLRB Name /s/ Rebecca Campbell			

Signature

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances, an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

NOTICE OF FEDERAL MEDIATION AND CONCILIATION SERVICES FOR

Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

INITIAL CONTRACT BARGAINING

As a workplace where employees are now represented by a union, both the employer and union have a number of obligations under the law, including the duty to bargain in good faith. These duties can have a practical impact on the bargaining process, as well as the ongoing labor-management relationship at a worksite.

As you navigate this set of obligations and their resulting impacts, we encourage you to take advantage of the following resources from the Federal Mediation and Conciliation Service (FMCS) (www.fmcs.gov). FMCS is a non-regulatory, independent federal agency, separate from the National Labor Relations Board (NLRB), whose mission is to preserve and promote labor-management peace and cooperation. FMCS services include:

- Skills development training for collective-bargaining negotiation, committee effectiveness, and conflict resolution (available at https://www.fmcs.gov/services/education-and-outreach/skills-development-training/);
- Education on contract administration (available at https://www.fmcs.gov/services/building-labor-management-relationships/); and
- Mediation, if you need additional assistance and support with your initial contract negotiations (available at https://www.fmcs.gov/services/resolving-labor-management-disputes/collective-bargaining-mediation/).

FMCS is a Congressionally funded agency offering support to both unions and employers at workplaces and these FMCS services and resources are provided <u>at no cost</u>. FMCS services are customized to the specific needs of employer and union leadership groups and FMCS is available to assist with next steps and/or answer questions that come up throughout an initial collective-bargaining agreement negotiation process, as well as for future stages of a labor- management relationship.

For more information on the full range of FMCS services and how these services can be helpful throughout various stages of the collective bargaining process, see OM 22-08. To discuss the specific needs of your group, please reach out to FMCS via email at initialcontract@fmcs.gov or by phone at (202) 606-8100.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 3 130 S Elmwood Ave Ste 630 Buffalo, NY 14202-2465 Agency Website: www.nlrb.gov Telephone: (716)551-4931 Fax: (716)551-4972 Download NLRB Mobile App

February 21, 2023

Curtis B Clough, President Teamsters Local 597 PO Box 277 South Barre, VT 05670

Re: Dairy Farmers of America

Case 03-CA-312521

Dear Mr. Clough:

The charge that you filed in this case on February 21, 2023 has been docketed as case number 03-CA-312521. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner DONALD STARR whose telephone number is (518)419-6257. The mailing address is 11A Clinton Ave STE 342, ALBANY, NY 12207-2366. If this Board agent is not available, you may contact Supervisory Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Jessica Cacaccio

JESSICA CACACCIO Acting Regional Director

Enclosure

- 1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)
- 2. Notice of Bargaining Obligation
- 3. Notice of Federal Mediation and Conciliation Services for Initial Contract Bargaining



Important Information About NLRB Investigations for Immigrant Workers



The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- > Choose not to take part in any of these actions.

Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
 - We will **NOT** ask you about your immigration status.
 - O You **DO NOT** need to share any information with us about your immigration status.
 - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will NOT disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

For more information on the NLRB, please visit our website, www.nlrb.gov.



Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
 - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
 - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
 - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

Para más información acerca de la NLRB, por favor visite nuestra página web, www.nlrb.gov.

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board

(the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances, an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

NOTICE OF FEDERAL MEDIATION AND CONCILIATION SERVICES FOR INITIAL CONTRACT BARGAINING

As a workplace where employees are now represented by a union, both the employer and union have a number of obligations under the law, including the duty to bargain in good faith. These duties can have a practical impact on the bargaining process, as well as the ongoing labor-management relationship at a worksite.

As you navigate this set of obligations and their resulting impacts, we encourage you to take advantage of the following resources from the Federal Mediation and Conciliation Service (FMCS) (www.fmcs.gov). FMCS is a non-regulatory, independent federal agency, separate from the National Labor Relations Board (NLRB), whose mission is to preserve and promote labor-management peace and cooperation. FMCS services include:

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training/);

- Education on contract administration (available at https://www.fmcs.gov/services/building-labor-management-relationships/); and
- Mediation, if you need additional assistance and support with your initial contract negotiations (available at https://www.fmcs.gov/services/resolving-labor-management-disputes/collective-bargaining-mediation/).

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For more information on the full range of FMCS services and how these services can be helpful throughout various stages of the collective bargaining process, see OM 22-08. To discuss the specific needs of your group, please reach out to FMCS via email at initialcontract@fmcs.gov or by phone at (202) 606-8100.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Dairy Farmers of America				
and	CASE 06-CA-312521			
	CASE			
EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570			
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT	IVE OF			
Employer, Dairy Farmers of America				
IN THE ABOVE-CAPTIONED MATTER.				
CHECK THE APPROPRIATE BOX(ES) BELOW:				
REPRESENTATIVE IS AN ATTORNEY				
☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY V DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN			
(REPRESENTATIVE INFORM	MATION)			
Christopher J. Murphy				
NAME: Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103				
MAILING ADDRESS: Morgan, Lewis & Booklas, 221, 1101 Market ediest, 1 Magasipina, 111				
E-MAIL ADDRESS: christopher.murphy@morganlewis.com				
OFFICE TELEPHONE NUMBER: 215.963.5601				
CELL PHONE NUMBER:	215 963 5001			
c 8-				
SIGNATURE:				
(Please sign in ink.)				
DATE: February 22, 2023				

 $^{^{\}rm 1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

	_			
Dairy Farmers of America				
and	CASE 06-CA-312521			
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570			
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF				
IN THE ABOVE-CAPTIONED MATTER.				
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY VIDOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN			
(REPRESENTATIVE INFOR	MATION)			
NAME: Christopher J. Murphy				
MAILING ADDRESS: Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103				
E-MAIL ADDRESS: christopher.murphy@morganlewis.com				
OFFICE TELEPHONE NUMBER: 215.963.5601				
CELL PHONE NUMBER:	245.062.5004			
SIGNATURE:				
DATE: February 22, 2023				

 $^{^{\}rm 1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
3-CA-312880	2/27/2023		

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in		ng.
	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Howard Center, Inc.		b. Tel. No. 802-488-6903
		c. Cell No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	f. Fax. No. 802-488-8690
208 Flynn Ave., Ste 3J Burlington, VT 05401	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	g. e-mail (0)(0)(0)(7)(0) (@howardcenter.org
		h. Number of workers employed 1,500+
i. Type of Establishment (factory, mine, wholesaler, etc.) Mental Health/Healthcare Provider	j. Identify principal product or service Mental Health/Healthcare	
The above-named employer has engaged in and is engaged	ging in unfair labor practices within the meaning of section	8(a), subsections (1) and
(list subsections) (3) and (1)	of the National Labor R	telations Act, and these unfair labor
practices are practices affecting commerce within the me-	aning of the Act, or these unfair labor practices are practic	es affecting commerce within the
meaning of the Act and the Postal Reorganization Act.		
Within the last six months, the Employer, through employee(s) for supporting the Charging Party and removing job duties, changing work assignments, has interfered with, coerced, restrained, and/or intiincluding, but not limited to, confronting and ques Employer has engaged in unfair labor practices with	another employee in the prosecution of a grievand and disciplining the employee(s). Additionally, the midated the same employee(s) for exercising rights tioning the employee(s) about supporting the afore thin the meaning of 8(a)(3) and 8(a)(1), independent	Employer, through (b) (6). (b) (7)(C), s guaranteed under Section 7, said grievance. By these acts, the
3. Full name of party filing charge (if labor organization, g American Federation of State, County and Munici		
4a. Address (Street and number, city, state, and ZIP code	<u> </u>	4b. Tel. No.
8 Beacon Street	,	617-367-6002
Boston, MA 02108 734 US Route 4E, Box #8		4c. Cell No. 617-201-4531
Rutland, VT 05701		4d. Fax No. 617-742-7666
		4e. e-mail cbcrwald@afscme93.org
5. Full name of national or international labor organization	of which it is an affiliate or constituent unit (to be filled in v	when charge is filed by a labor organization)
American Federation of State, County and Munici	pal Employees, AFL-CIO	
6. DECLARATION Lideglare that I have read the above charge and that the statements are true to the best of my knowledge and belief. Evan Berwald, Esq. Associate Gen. Counsel		Tel. No. 617-367-6002
		Office, if any, Cell No. 617-201-4531
(signature of representative or person making charge)	(Print/type name and title or office, if any)	Fax No. 617-742-7666
8 Beacon Street, Boston, MA 02108 Address	Date 2/24/2023	e-mail eberwald@afscme93.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



Agency Website: www.nlrb.gov Telephone: (716)551-4931 Fax: (716)551-4972 Download NLRB Mobile App

February 27, 2023

(b) (6), (b) (7)(C)

REGION 3

130 S Elmwood Ave Ste 630

Buffalo, NY 14202-2465

Howard Center, Inc. 208 Flynn Ave #3J Burlington, VT 05401

> Re: Howard Center, Inc. Case 03-CA-312880

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ADAM PELLETIER whose telephone number is (518)419-6671. The mailing address is 11A Clinton Ave STE 342, ALBANY, NY 12207-2366. If this Board agent is not available, you may contact Supervisory Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LINDA M. LESLIE Regional Director

Linda M. Ledre

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081	NATIONAL LABOR RELA	ATIONS BOARD			
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable items, and re	turn to the NLRB Office. If addition	onal space is required, please add a pa	age and id	dentify item number.	
CASE NAME	tani to the NEND Office. If addition	onar opaco to roquirou, prouco ada a pr		NUMBER	
			03-CA-	312880	
1. EXACT LEGAL TITLE OF ENTITY (As filed w	vith State and/or stated in legal	l documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOL	E PROPRIETORSHIP [] OTH	ER (Spec	cify)	
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND	RELATIONSHIP (e.g. parent, subs	idiary) O	F ALL RELATED EN	VTITIES
OR FORMATION					
4. IF AN LLC OR ANY TYPE OF PARTNERSHI	P, FULL NAME AND ADDRI	ESS OF ALL MEMBERS OR PAR	TNERS		
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	TO OPERATION OF THE	77.7			
6. BRIEFLY DESCRIBE THE NATURE OF YOU	JR OPERATIONS (Products h	andled or manufactured, or nature of	services	performed).	
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	T.E.D.				
8. NUMBER OF PEOPLE PRESENTLY EMPLO	YED				
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 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

 NAME AND TITLE (Type or Print)
 SIGNATURE
 E-MAIL ADDRESS
 DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

HOWARD CENTER, INC. Charged Party and AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 93, LOCAL 1674	Case 03-CA-312880
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGAINS I, the undersigned employee of the National Labor Rela	
February 27, 2023, I served the above-entitled document following persons, addressed to them at the following ac	t(s) by post-paid regular mail upon the
(b) (6), (b) (7)(C)	
Howard Center, Inc. 208 Flynn Ave #3J Burlington, VT 05401	
February 27, 2023	Andrea Seyfried, Designated Agent of NLRB
Date	Name

/s/Andrea Seyfried

Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 3 130 S Elmwood Ave Ste 630 Buffalo, NY 14202-2465 Agency Website: www.nlrb.gov Telephone: (716)551-4931 Fax: (716)551-4972 Download NLRB Mobile App

February 27, 2023

American Federation of State, County and Municipal Employees, Council 93, Local 1674 734 US Route 4 E Rutland, VT 05701-9029

> Re: Howard Center, Inc. Case 03-CA-312880

Dear Sir or Madam:

The charge that you filed in this case on February 27, 2023 has been docketed as case number 03-CA-312880. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ADAM PELLETIER whose telephone number is (518)419-6671. The mailing address is 11A Clinton Ave STE 342, ALBANY, NY 12207-2366. If this Board agent is not available, you may contact Supervisory Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489.

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<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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* * *

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office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LINDA M. LESLIE Regional Director

Linda M. Ledre

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

cc: Evan Berwald, Associate General Counsel 8 Beacon Street Boston, MA 02108



Important Information About NLRB Investigations for Immigrant Workers



The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- ➤ Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA.
 - We will **NOT** ask you about your immigration status.
 - O You **DO NOT** need to share any information with us about your immigration status.
 - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will **NOT** disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

For more information on the NLRB, please visit our website, www.nlrb.gov.



Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
 - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
 - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
 - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

Para más información acerca de la NLRB, por favor visite nuestra página web, www.nlrb.gov.

FORM NLRB-501 (3-21)

Address

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
3-CA-312944	2/27/2023	

eberwald@afscme93.org

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT a. Name of Employer b. Tel. No. 802-488-6903 Howard Center, Inc. c. Cell No. f. Fax. No. 802-488-8690 e. Employer Representative d. Address (Street, city, state, and ZIP code) g. e-mail (b) (6), (b) (7)(C) 208 Flynn Ave., Ste 3J Burlington, VT 05401 (b) (6), (b) (7)(C) @howardcenter.org h. Number of workers employed 1.500+i. Type of Establishment (factory, mine, wholesaler, etc.) | | Identify principal product or service Mental Health/Healthcare Provider Mental Health/Healthcare The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2, Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the last six months, the Employer has failed and/or refused to bargain collectively with the Charging Party in good faith with respect to collective bargaining agreement reopener negotiations for the implementation of an agency service fee, including, but not limited to, intentionally ignoring the intent and mutual understanding of the reopener negotiations' purpose, delaying, failing and/or refusing to schedule and/or attend reonpener bargaining sessions, and failing and/or refusing to make good faith proposals during those bargaining sessions held. By these acts, the Employer has engaged in unfair labor practices within the meaning of 8(a)(5) and 8(a)(1). 3. Full name of party filing charge (if labor organization, give full name, including local name and number) American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1674 4b. Tel. No. 4a. Address (Street and number, city, state, and ZIP code) 617-367-6002 8 Beacon Street Boston, MA 02108 4c. Cell No. 617-201-4531 734 US Route 4E, Box #8 4d. Fax No. Rutland, VT 05701 617-742-7666 4e. e-mail eberwald@afscme93.org 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of State, County and Municipal Employees, AFL-CIO Tel. No. 6. DECLARATION 617-367-6002 declare that I have read the above charge and that the statements care-true to the best of my knowledge and belief. Office, if any, Cell No. Evan Berwald, Esq. Associate Gen. Counsel 617-201-4531 signature of representative or person making charge) (Print/type name and title or office, if any) Fax No. 617-742-7666 8 Beacon Street, Boston, MA 02108 2/24/2023

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 3 130 S Elmwood Ave Ste 630 Buffalo, NY 14202-2465 Agency Website: www.nlrb.gov Telephone: (716)551-4931 Fax: (716)551-4972 Download NLRB Mobile App

February 27, 2023

(b) (6), (b) (7)(C)

Howard Center, Inc. 208 Flynn Ave #3J Burlington, VT 05401

> Re: Howard Center, Inc. Case 03-CA-312944

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ADAM PELLETIER whose telephone number is (518)419-6671. The mailing address is 11A Clinton Ave STE 342, ALBANY, NY 12207-2366. If this Board agent is not available, you may contact Supervisory Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LINDA M. LESLIE Regional Director

Linda M. Ledre

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire
- 3. FMCS

FORM NLRB-5081	NATIONAL LABOR REL	ATIONS BOARD			
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.					
CASE NAME				NUMBER	
			03-CA-	-312944	
1. EXACT LEGAL TITLE OF ENTITY (As filed	with State and/or stated in lega	l documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOI	LE PROPRIETORSHIP [] OT	HER (Spe	cify)	
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION	B. NAME, ADDRESS, AN	D RELATIONSHIP (e.g. parent, sub	sidiary) O	F ALL RELATED E	NTITIES
OR FORMATION					
4. IF AN LLC OR ANY TYPE OF PARTNERSH	TP FILL NAME AND ADDR	ESS OF ALL MEMBERS OR PA	RTNERS		
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7A. PRINCIPAL LOCATION:	7B. BRAN	CH LOCATIONS:			
	727 22411				
8. NUMBER OF PEOPLE PRESENTLY EMPLOYED					
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SIGNATURE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations
Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71
Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause
the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

E-MAIL ADDRESS

DATE

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

HOWARD CENTER, INC. Charged Party and AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, COUNCIL 93, LOCAL 1674 Charging Party	Case 03-CA-312944
AFFIDAVIT OF SERVICE OF CHARGE AGAINS I, the undersigned employee of the National Labor Related February 27, 2023, I served the above-entitled document following persons, addressed to them at the following according to the server of the se	tions Board, state under oath that on t(s) by post-paid regular mail upon the
(b) (6), (b) (7)(C) Howard Center, Inc. 208 Flynn Ave #3J Burlington, VT 05401 February 27, 2023	Andrea Seyfried, Designated Agent of
Date	NLRB Name

/s/Andrea Seyfried

Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 3 130 S Elmwood Ave Ste 630 Buffalo, NY 14202-2465 Agency Website: www.nlrb.gov Telephone: (716)551-4931 Fax: (716)551-4972 Download NLRB Mobile App

February 27, 2023

American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1674
734 US Route 4E
Box #8
Rutland, VT 5701

Re: Howard Center, Inc. Case 03-CA-312944

Dear Sir or Madam:

The charge that you filed in this case on February 27, 2023 has been docketed as case number 03-CA-312944. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ADAM PELLETIER whose telephone number is (518)419-6671. The mailing address is 11A Clinton Ave STE 342, ALBANY, NY 12207-2366. If this Board agent is not available, you may contact Supervisory Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LINDA M. LESLIE Regional Director

Linda M. Ledre

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

cc: Evan Berwald, Associate General Counsel 8 Beacon Street Boston, MA 02108



Important Information About NLRB Investigations for Immigrant Workers



The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- > Choose not to take part in any of these actions.

Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
 - We will **NOT** ask you about your immigration status.
 - O You **DO NOT** need to share any information with us about your immigration status.
 - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will **NOT** disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

For more information on the NLRB, please visit our website, www.nlrb.gov.



Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
 - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
 - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
 - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

Para más información acerca de la NLRB, por favor visite nuestra página web, www.nlrb.gov.

NOTICE OF FEDERAL MEDIATION AND CONCILIATION SERVICES FOR BAD FAITH BARGAINING ALLEGATIONS

Under the National Labor Relations Act, both the employer and union have a number of obligations under the law, including the duty to bargain in good faith.

We encourage you to take advantage of the following resources from the Federal Mediation and Conciliation Service (FMCS) (www.fmcs.gov). FMCS is a non-regulatory, independent federal agency, separate from the National Labor Relations Board (NLRB), whose mission is to preserve and promote labor-management peace and cooperation. FMCS services include:

- Mediation, if you need assistance and support with your contract negotiations (available at https://www.fmcs.gov/services/resolving-labor-management-disputes/collectivebargaining-mediation/);
- Skills development training for collective-bargaining negotiation, committee effectiveness, and conflict resolution (available at https://www.fmcs.gov/services/education-andoutreach/skills-development-training/);
- Education on contract administration (available at https://www.fmcs.gov/services/buildinglabor-management-relationships/).

Education on contract administration (available at FMCS is a Congressionally funded agency offering support to both unions and employers at workplaces and these FMCS services and resources are provided <u>at no cost</u>. FMCS services are customized to the specific needs of employer and union leadership groups and FMCS is available to assist with next steps and/or answer questions that come up throughout a collective-bargaining agreement negotiation process, as well as for future stages of a labor-management relationship.).

For more information on the full range of FMCS services and how these services can be helpful throughout various stages of the collective bargaining process, see OM 22-08. To discuss the specific needs of your group, please reach out to an FMCS mediator (https://www.fmcs.gov/aboutus/locations/find-a-mediator/) or by phone at (202) 606-8100.